

California Regional Water Quality Control Board
Santa Ana Region

February 3, 2005

STAFF REPORT

ITEM: 6

SUBJECT: Appeal of Staff's Denial of an Exemption from the Minimum Lot Size Requirement for Subsurface Disposal System Use – Susan Hubert, 8172 La Senda Road, Alta Loma, San Bernardino County, APN 1061-101-10

DISCUSSION:

On December 20, 2004, Richard Watson contacted staff on behalf of Ms. Susan Hubert requesting approval for the use of a second septic tank-subsurface disposal system at the above-referenced site. Ms. Hubert resides in a house located at the site. An existing subsurface disposal system is utilized for the discharge of sanitary wastes from the house. The property is over one-half acre in size (32,670-sq. ft. or 0.75 acre net). This area is unsewered and on-site septic tank-subsurface disposal systems are utilized for disposal of sanitary wastes.

Ms. Hubert proposes to add on to her existing home a bedroom and bath for her mother. Due to the topography of the lot, Ms. Hubert is unable to connect her new plumbing to the existing septic system and is proposing to install a separate septic tank-subsurface disposal system to serve the bathroom addition.

On October 13, 1989, the Regional Board adopted a Basin Plan amendment that requires new developments for which on-site subsurface disposal system use is proposed to have a minimum of one-half acre of land per dwelling unit. The Board found that it was necessary to limit the density of new subsurface disposal systems to control the nitrate quality problems found in the groundwaters of the Region. The property is over one-half acre and use of the existing subsurface disposal system meets the minimum lot size requirements. However, the proposed addition of a second subsurface disposal system does not conform to these requirements. Accordingly, Board staff denied Mr. Watson's request, on Ms. Hubert's behalf, for approval for the use of the second septic tank. The parties seek Regional Board consideration of this matter.

In adopting the minimum lot size requirements (MLSRs), the Board recognized that there would likely be proposals for additions to existing developments that would result in increased wastewater flow. The Board's MLSRs address these circumstances. Additions to existing dwellings (bedrooms/bathrooms) are exempt from the MLSRs, provided that the existing septic system can accommodate the additional wastewater flows. The MLSRs also specify that replacement of an existing septic tank system to accommodate additional flows resulting from additions to existing dwellings is exempt from the minimum lot size requirement. However, the addition of a second septic tank to accommodate such additional flows is not exempt from the MLSRs. The minimum lot size exemption criteria are based on the premise that the proposed addition of a second septic system would be necessitated only by the proposed addition of a freestanding structure, rather than additions to existing dwellings. The Regional Board did not exempt the addition of a second system based on concerns that use of the freestanding structure

and second system could result, over the long-term, in the addition of substantial wastewater flows beyond those resulting from additions to existing dwellings. Ms. Hubert's additions will not result in a freestanding structure; however, Ms. Hubert is proposing the installation of a second septic system. Mr. Watson points out that the additional flows that will occur as a result of Ms. Hubert's room additions will be no greater than those that would be allowed had the existing septic tank been replaced to accommodate them. In light of the circumstances of Ms. Hubert's proposal, Board staff believes that Mr. Watson's arguments have merit.

RECOMMENDATION:

Approve Ms. Hubert's request for an exemption from the minimum lot size requirements for the use of a second septic system.

Comments were solicited from the following agencies:

State Water Resources Control Board, Office of Chief Counsel – Jorge Leon
City of Rancho Cucamonga, Building and Safety – John Thomas